

DONALD SPECTER – 083925
RITA K. LOMIO – 254501
MARGOT MENDELSON – 268583
PRISON LAW OFFICE
1917 Fifth Street
Berkeley, California 94710-1916
Telephone: (510) 280-2621
Facsimile: (510) 280-2704

MICHAEL W. BIEN – 096891
GAY C. GRUNFELD – 121944
PENNY GODBOLD – 226925
MICHAEL FREEDMAN – 262850
ROSEN BIEN
GALVAN & GRUNFELD LLP
101 Mission Street, Sixth Floor
San Francisco, California 94105-1738
Telephone: (415) 433-6830
Facsimile: (415) 433-7104

LINDA D. KILB – 136101
DISABILITY RIGHTS EDUCATION &
DEFENSE FUND, INC.
3075 Adeline Street, Suite 201
Berkeley, California 94703
Telephone: (510) 644-2555
Facsimile: (510) 841-8645

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

GAVIN NEWSOM, et al.,

Defendants.

Case No. C94 2307 CW

**[PROPOSED] STIPULATED ORDER
CONFIRMING UNDISPUTED
ATTORNEYS' FEES AND COSTS
FOR THE THIRD QUARTER OF 2020**

Judge: Hon. Claudia Wilken

Case No. C94 2307 CW

**[PROPOSED] STIPULATED ORDER CONFIRMING UNDISPUTED ATTORNEYS' FEES AND COSTS FOR THE
THIRD QUARTER 2020**

1 On March 26, 1997, the District Court established procedures by which Plaintiffs
2 are to collect periodic attorneys' fees and costs in this case in connection with their work
3 monitoring Defendants' compliance with the Court's Orders and collecting fees.

4 Pursuant to these procedures, on October 30, 2020, Plaintiffs served on Defendants
5 their Third Quarterly Statement for 2020 by electronic transmission. The parties
6 completed their meet-and-confer process on January 23, 2021 as to the fees and costs
7 incurred on all matters.

8 As a result of the January 23, 2021 agreement, the parties agree to the following:

9 The parties agree to the payment of \$3,000,035.18 to resolve all fees and costs
10 incurred during the Third Quarter of 2020, for monitoring and/or litigation activities in the
11 California Department of Corrections of Rehabilitation Division of Adult Operations and
12 Adult Programs (CDCR AOAP) portion of the case. Attached hereto as **Exhibit A** are
13 charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by
14 the parties to settle these claims.

15 The parties agree to the payment of \$35,167.81 to resolve all fees and costs incurred
16 during the Third Quarter of 2020, for monitoring and/or litigation activities in the Board of
17 Parole Hearings (BPH) portion of the case. Attached hereto as **Exhibit B** are charts setting
18 forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the parties to
19 settle these claims.

20 The parties agree to the payment of \$116,278.13 to resolve all fees and costs
21 incurred during the Third Quarter of 2020, for monitoring and/or litigation activities in the
22 Division of Adult Parole Operations (DAPO) portion of the case. Attached hereto as
23 **Exhibit C** are charts setting forth the fees and costs claimed by Plaintiffs and the amounts
24 agreed to by the parties to settle these claims.

25 The parties agree to the payment of \$17,771.42 to resolve all fees and costs incurred
26 during the Third Quarter of 2020, for fees work. Attached hereto as **Exhibit D** are charts
27 setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the
28 parties to settle these claims.

1 IT IS HEREBY ORDERED that the amounts set forth above are due and
2 collectable as of forty-five days from the date of entry of this Order. Interest on these fees
3 and costs will run from November 30, 2020, accruing at the rate provided by 28 U.S.C.
4 § 1961.

5
6 DATED: _____

Claudia Wilken
United States District Judge

8
9 APPROVED AS TO FORM:

10
11 DATED: January 26, 2021

/s/Adriano Hrvatin

Adriano Hrvatin
Deputy Attorney General
Attorney for Defendants

12
13
14
15 DATED: January 26, 2021

/s/Gay Crosthwait Grunfeld

Gay Crosthwait Grunfeld
Rosen Bien Galvan & Grunfeld LLP
Attorney for Plaintiffs

EXHIBIT A

Armstrong v. Newsom
Third Quarterly Statement of 2020
July 1, 2020 through September 30, 2020

CDCR/AOAP SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
CDCR/AOAP MONITORING	\$2,960,150.01	\$39,885.17
	TOTAL UNDISPUTED:	\$3,000,035.18

Armstrong v. Newsom
 Third Quarterly Statement of 2020
 July 1, 2020 through September 30, 2020
Matter: CDCR/AOAP Monitoring/Merits

<u>Monitoring (581-3)</u>	<u>Actual Hours</u>	<u>Claimed Hours</u>	<u>2020 Rates</u>	<u>Total</u>	<u>Fees Now Owing Based On Negotiated Compromise</u>
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Michael W. Bien (MWB)	75.40	72.50	\$1,100	\$79,750.00	\$74,167.50
Gay C. Grunfeld (GCG)	423.10	422.70	\$875	\$369,862.50	\$343,972.13
Ernest Galvan (EG)	30.2	29.2	\$825	\$24,090.00	\$22,403.70
Lisa Ellis (LAE)	1.00	0.00	\$730	\$0.00	\$0.00
Penny Godbold (PG)	401.20	400.50	\$715	\$286,357.50	\$266,312.48
Thomas Nolan (TN)	300.10	290.50	\$740	\$214,970.00	\$199,922.10
Michael L. Freedman (MLF)	512.20	504.50	\$635	\$320,357.50	\$297,932.48
Ben Bien-Kahn (BBK)	191.50	179.90	\$625	\$112,437.50	\$104,566.88
Jenny Yelin (JY)	23.60	21.10	\$565	\$11,921.50	\$11,087.00
Caroline E. Jackson (CEJ)	152.50	150.40	\$540	\$81,216.00	\$75,530.88
Michael S. Nunez (MSN)	50.50	35.70	\$540	\$19,278.00	\$17,928.54
Jessica Winter (JW)	39.50	34.30	\$480	\$16,464.00	\$15,311.52
Alexander Gourse (AG)	4.10	0.00	\$395	\$0.00	\$0.00
Rekha Arulanantham (REA)	205.40	155.50	\$395	\$61,422.50	\$57,122.93
Karen Stilber (KES)	302.40	297.30	\$350	\$104,055.00	\$96,771.15
Linda Woo (LHW)	3.20	0.00	\$350	\$0.00	\$0.00
F. Gail LaPurja (FGL)	16.10	0.00	\$320	\$0.00	\$0.00
Greg Gonzalez (GZG)	13.00	10.50	\$320	\$3,360.00	\$3,124.80
Fely F. Villadelgado (FFV)	2.40	0.00	\$275	\$0.00	\$0.00
Emma Cook (EC)	79.60	78.60	\$250	\$19,650.00	\$18,274.50
Nathalie Welch (NW)	29.70	26.80	\$250	\$6,700.00	\$6,231.00
Jack Gleiberman (JG)	592.50	589.80	\$250	\$147,450.00	\$137,128.50
Ellinor Heywood (EH)	521.20	511.10	\$250	\$127,775.00	\$118,830.75
Heather Gans (HG)	247.30	226.00	\$250	\$56,500.00	\$52,545.00
Catherine Johnson (CJ)	25.20	24.40	\$225	\$5,490.00	\$5,105.70
Rebecca Berman (RB)	75.60	56.40	\$225	\$12,690.00	\$11,801.70
Rwehyang Kim (RK)	305.40	265.90	\$225	\$59,827.50	\$55,639.58
Erica Zheng (EZ)	62.50	57.40	\$225	\$12,915.00	\$12,010.95
Total Hours:	4,686.40	4,441.00		\$2,154,539.50	\$2,003,721.74
<u>RBGG FEES:</u>					
<u>PRISON LAW OFFICE</u>					
Donald Specter (DS)	29.00	29.00	\$995	\$28,855.00	\$26,835.15
Alison Hardy (AH)	3.70	3.70	\$830	\$3,071.00	\$2,856.03
Sara Norman (SN)	8.70	8.70	\$820	\$7,134.00	\$6,634.62
Corene Kendrick (CK)	155.90	155.90	\$730	\$113,807.00	\$105,840.51
Rita Lomio (RL)	487.20	487.20	\$650	\$316,680.00	\$294,512.40
Margot Mendelson (MM)	254.30	254.30	\$625	\$158,937.50	\$147,811.88
Rana Anabtawi (RA)	2.40	2.40	\$625	\$1,500.00	\$1,395.00
Patrick Booth (PB)	231.00	231.00	\$380	\$87,780.00	\$81,635.40
Sophie J. Hart (SH)	1.20	1.20	\$380	\$456.00	\$424.08
Amber Norris (AN)	215.90	215.90	\$350	\$75,565.00	\$70,275.45
Megan Lynch (ML)	58.50	58.50	\$350	\$20,475.00	\$19,041.75
Tovah Anna Ackerman (TAA)	43.20	43.20	\$325	\$14,040.00	\$13,057.20
Tania Amarillas (TA)	198.80	198.80	\$325	\$64,610.00	\$60,087.30
Eva Amarillas-Diaz (EAD)	24.10	24.10	\$275	\$6,627.50	\$6,163.58
Alayna O'Bryan	3.00	3.00	\$275	\$825.00	\$767.25
Skye Lovett (SL)	192.50	192.50	\$275	\$52,937.50	\$49,231.88
Gabriela Pelsinger (GP)	91.60	91.60	\$275	\$25,190.00	\$23,426.70
Hector Perla (HP)	30.60	30.60	\$275	\$8,415.00	\$7,825.95
Ilian Meza Pena (IP)	44.60	44.60	\$275	\$12,265.00	\$11,406.45
Jordan Payne (JP)	19.80	19.80	\$275	\$5,445.00	\$5,063.85
Juliette Mueller (JM)	49.90	49.90	\$275	\$13,722.50	\$12,761.93
Michael Brodheim (MB)	27.80	27.80	\$275	\$7,645.00	\$7,109.85
Total Hours:	2,173.70	2,173.70		\$1,025,983.00	\$954,164.19
<u>PLO FEES:</u>					
<u>DISABILITY RIGHTS EDUCATION AND DEFENSE FUND</u>					
Linda Kilb (LK)	2.10	2.10	\$885	\$1,858.50	\$1,728.41
Case Clerk	3.20	3.20	\$180	\$576.00	\$535.68
Total Hours:	5.30	5.30		\$2,434.50	\$2,264.09
<u>DREDF FEES:</u>					
<u>TOTAL CDCR/AOAP MONITORING FEES:</u>					
				\$3,182,957.00	\$2,960,150.01

Armstrong v. Newsom

Third Quarterly Statement of 2020
 July 1, 2020 through September 30, 2020

Costs***Matter: CDCR/AOAP Merits/Monitoring*****Rosen, Bien, Galvan & Grunfeld (581-3)**

	<u>Costs</u>	Costs Now Owing Based On <u>Negotiated Compromise</u>
Photocopying (In house)	\$1,592.00	\$1,480.56
Photocopying/printing (Outside)	\$3,005.83	\$2,795.42
Discovery service Relativity hosting and processing (RJD production database - July - September)	\$9,356.25	\$8,701.31
Professional services - expert witness fees	\$15,968.28	\$14,850.50
Transcription and translation	\$2,176.15	\$2,023.82
Online Research - PACER, Westlaw	\$3,103.52	\$2,886.27
Process server (subpoenas)	\$318.00	\$295.74
Postage & Delivery	\$1,145.27	\$1,065.10
Telephone	\$39.90	\$37.11
Total RBGG Costs:	\$36,705.20	\$34,135.84

Prison Law Office

Interpreting/Translation services	\$2,550.00	\$2,371.50
Postage & Delivery	\$3,427.60	\$3,187.67
Total PLO Costs:	\$5,977.60	\$5,559.17

Disability Rights Education & Defense Fund, Inc.

Photocopying (in-house)	\$157.00	\$146.01
Postage & Delivery	\$47.48	\$44.16
Total DREDF Costs:	\$204.48	\$190.17

TOTAL CDCR/AOAP MERITS/MONITORING COSTS: \$42,887.28 \$39,885.17

EXHIBIT B

Armstrong v. Newsom
Third Quarterly Statement of 2020
July 1, 2020 through September 30, 2020

BPH SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
BPH	\$35,143.31	\$24.51
	TOTAL UNDISPUTED:	\$35,167.81

Armstrong v. Newsom

Third Quarterly Statement of 2020
 July 1, 2020 through September 30, 2020
Matter: BPH

<u>BPH (581-4)</u>	<u>Actual Hours</u>	<u>Claimed Hours</u>	<u>2020 Rates</u>	<u>Total</u>	<u>Fees Now Owing Based On Negotiated Compromise</u>
<u>BPH MONITORING (581-4)</u>					
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Gay C. Grunfeld (GCG)	0.4	0.4	\$875	\$350.00	\$325.50
Thomas Nolan (TN)	20.90	20.90	\$740	\$15,466.00	\$14,383.38
Caroline E. Jackson (CEJ)	10.30	10.30	\$540	\$5,562.00	\$5,172.66
Rekha Arunlanatham	4.50	4.20	\$395	\$1,659.00	\$1,542.87
Ellinor Heywood (EH)	1.30	0.00	\$250	\$0.00	\$0.00
Rwehyang Kim (RK)	2.30	0.00	\$225	\$0.00	\$0.00
Heather Gans (HG)	7.70	7.70	\$250	\$1,925.00	\$1,790.25
Total Hours:	47.40	43.50			
RBGG FEES:				\$24,962.00	\$23,214.66
<u>PRISON LAW OFFICE</u>					
Sara Norman (SN)	4.20	4.20	\$820	\$3,444.00	\$3,202.92
Rita Lomio (RL)	0.30	0.30	\$650	\$195.00	\$181.35
Rana Anabtawi (RA)	14.70	14.70	\$625	\$9,187.50	\$8,544.38
Total Hours:	19.20	19.20			
PLO FEES:				\$12,826.50	\$11,928.65
TOTAL FEES FOR BPH WORK:				\$37,788.50	\$35,143.31

Armstrong v. Newsom

Third Quarterly Statement of 2020
July 1, 2020 through September 30, 2020

Costs

Matter: BPH

Rosen, Bien, Galvan & Grunfeld (581-4)

Postage and delivery

Costs

\$26.35

\$26.35

Costs Now Owing Based On

Negotiated Compromise

\$24.51

\$24.51

Total RBGG Costs:

TOTAL CLAIMED BPH COSTS:

\$26.35

\$24.51

EXHIBIT C

Armstrong v. Newsom

Third Quarterly Statement of 2020

July 1, 2020 through September 30, 2020

DAPO SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COST</u>
DAPO MONITORING	\$115,302.33	\$975.80
	TOTAL UNDISPUTED:	\$116,278.13

Armstrong v. Newsom

Third Quarterly Statement of 2020
 July 1, 2020 through September 30, 2020
Matter: DAPO Monitoring

<u>DAPO Monitoring (581-9)</u>	<u>Actual Hours</u>	<u>Claimed Hours</u>	<u>2020 Rates</u>	<u>Total</u>	<u>Fees Now Owing Based On Negotiated Compromise</u>
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Michael W. Bien (MWB)	0.70	0.70	\$1,100	\$770.00	\$716.10
Gay C. Grunfeld (GCG)	6.20	6.20	\$875	\$5,425.00	\$5,045.25
Penny Godbold (PG)	0.20	0.00	\$715	\$0.00	\$0.00
Thomas Nolan (TN)	22.40	22.40	\$740	\$16,576.00	\$15,415.68
Michael L. Freedman (MLF)	0.20	0.00	\$635	\$0.00	\$0.00
Benjamin Bien-Kahn (BBK)	13.80	12.90	\$625	\$8,062.50	\$7,498.13
Jenny S. Yelin (JSY)	20.90	20.40	\$565	\$11,526.00	\$10,719.18
Caroline E. Jackson (CEJ)	19.70	19.50	\$540	\$10,530.00	\$9,792.90
Rekha Arulanantham (REA)	46.70	37.70	\$395	\$14,891.50	\$13,849.10
Karen Stilber (KES)	1.80	0.00	\$350	\$0.00	\$0.00
Gregorio Gonzalez (GZG)	0.30	0.00	\$320	\$0.00	\$0.00
Nathalie Welch (NCW)	242.90	224.80	\$250	\$56,200.00	\$52,266.00
Ellinor Heywood (EH)	2.10	0.00	\$250	\$0.00	\$0.00
Rebecca Berman (RB)	0.60	0.00	\$225	\$0.00	\$0.00
Rwehyang Kim (RK)	2.50	0.00	\$225	\$0.00	\$0.00
Total Hours:	381.00	344.60		\$123,981.00	\$115,302.33
RBGG FEES:				\$123,981.00	\$115,302.33
TOTAL FEES FOR DAPO MONITORING WORK:				\$123,981.00	\$115,302.33

Armstrong v. Newsom

Third Quarterly Statement of 2020
 July 1, 2020 through September 30, 2020

Costs***Matter: DAPO Monitoring*****Rosen, Bien, Galvan & Grunfeld (581-9)**

Photocopying (in-house)

Postage

Costs

\$568.80

\$480.45

Total RBGG Costs:**\$1,049.25****TOTAL DAPO MONITORING COSTS:****\$1,049.25****Costs Now Owing Based On****Negotiated Compromise**

\$528.98

\$446.82

\$975.80**\$975.80**

EXHIBIT D

Armstrong v. Newsom
Third Quarterly Statement of 2020
July 1, 2020 through September 30, 2020

SUMMARY OF UNDISPUTED FEES WORK AND COSTS

	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
FEES WORK (ALL MATTERS)	\$17,719.76	\$51.66
TOTAL UNDISPUTED:		\$17,771.42

Armstrong v. Newsom

Third Quarterly Statement of 2020
 July 1, 2020 through September 30, 2020
Matter: All Matters Fees Work

<u>Fees (581-2)</u>	<u>Actual Hours</u>	<u>Claimed Hours</u>	<u>2020 Rates</u>	<u>Total</u>	<u>Fees Now Owing Based On Negotiated Compromise</u>
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Gay C. Grunfeld (GCG)	11.80	11.50	\$875	\$10,062.50	\$9,358.13
Karen E. Stilber (KES)	14.60	14.60	\$350	\$5,110.00	\$4,752.30
Nathalie Welch (NW)	0.20	0.00	\$250	\$0.00	\$0.00
Total Hours:	26.60	26.10			
RBGG FEES:				\$15,172.50	\$14,110.43
<u>PRISON LAW OFFICE</u>					
Rita Lomio	2.00	2.00	\$650	\$1,300.00	\$1,209.00
Margot Mendelson (MKM)	0.70	0.70	\$625	\$437.50	\$406.88
Ashley Kirby (AK)	5.20	5.20	\$225	\$1,170.00	\$1,088.10
Total Hours:	7.90	7.90			
PLO FEES:				\$2,907.50	\$2,703.98
<u>DISABILITY RIGHTS EDUCATION AND DEFENSE FUND</u>					
Linda Kilb (LDK)	1.10	1.10	\$885	\$973.50	\$905.36
Total Hours:	1.10	1.10			
DREDF FEES:				\$973.50	\$905.36
TOTAL FEES FOR ARMSTRONG FEES WORK:				\$19,053.50	\$17,719.76

Armstrong v. Newsom

Third Quarterly Statement of 2020
 July 1, 2020 through September 30, 2020

Costs***Matter: Fees Work in All Matters*****Rosen, Bien, Galvan & Grunfeld (581-2)**

Photocopying and Printing (in-house)

Long distance telephone

Postage & Delivery

Costs

\$25.00

\$0.05

\$30.50

Total RBGG Costs:**\$55.55****Costs Now Owing Based On****Negotiated Compromise**

\$23.25

\$0.05

\$28.37

\$51.66**TOTAL FEES WORK COSTS :****\$55.55****\$51.66**